

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: August 2, 2016
RE: 16-1296MP; 53 Lavalley Lane

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: City-Wide Ward: City-wide

Owner/Applicant: City of Burlington / Water Resources Division, DPW

Request: Tree maintenance plan for water resources infrastructure throughout the city

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval of a Tree Maintenance Plan per Sec. 5.5.4, *Tree Removal*, of the Comprehensive Development Ordinance. This section allows property owners to address tree removal and maintenance on their property in 5-year increments without the need for separate zoning permits for each individual tree removal project. In this case, the applicant is seeking approval for a tree maintenance plan applicable city-wide for maintenance of water resources infrastructure. Specifically, the requested maintenance plan would apply to areas outside of public street rights-of-way with water resources infrastructure (work within the public street rights-of-way is exempt from zoning).

This request was before the Development Review Board June 21, 2016. The Board deliberated June 27 and decided to continue review of the requested tree maintenance plan to a future DRB meeting. The following additional information was requested:

- Specify the trigger point for involving the city arborist in proposed tree clearing
- Specify the scope of potential tree removal that will require city arborist review
- Specify the oversight role the city arborist before, during, and after the tree clearing work

A revised tree maintenance plan, developed in conjunction with the city arborist, has been submitted. The above items are addressed within the revised plan.

Recommendation: Certificate of Appropriateness approval as per, and subject to, the following findings and conditions.

I. Findings

Sec. 5.5.4, Tree Removal:

(a) Review criteria for zoning permit requests for tree removal

See (b) below.

(b) Tree Maintenance Plans

1. A Tree Maintenance Plan prepared by a certified arborist shall be submitted as a Level I Certificate of Appropriateness... This plan shall include general and specific criteria for removing trees based on the criteria as per Sec. 5.5.4 (a).

The proposed Tree Maintenance Plan has been prepared and updated in conjunction with the City Arborist. It touches on each of the criteria of Sec. 5.5.4 (a) as required.

Tree pruning and removal are addressed within the context of site access and infrastructure maintenance. Initial assessment criteria touch on individual site specifics, alternatives, delineation of potential cutting and pruning, and erosion control measures. The tree maintenance plan also contains a specific tree protection plan for implementation during infrastructure maintenance and construction activities. The tree protection plan outlines procedures to be followed for protection of existing trees, minimizing damage, and tree replacement as needed.

As revised, the tree maintenance plan specifies the trigger point for city arborist involvement. The trigger point mirrors the threshold for typically requiring a zoning permit for tree cutting (i.e. 6 or more trees of 10" or greater caliper or 10 or more trees of 3" or greater caliper). This threshold will pertain to individual maintenance and construction projects related to water resources infrastructure. Regardless of the scope of tree cutting, standards for assessment and implementation of tree cutting and pruning will be followed. The revised plan calls for coordination and consultation with the city arborist as part of initial assessment work – prior to tree cutting. Consideration of alternatives to tree cutting or pruning are articulated within the preliminary assessment criteria. City arborist involvement will continue through project planning and execution, including periodic site inspections at project sites.

As required under state statute, the tree protection plan contains provision for notification of neighboring property owners prior to any tree removal. **(Affirmative finding)**

2. The Tree Maintenance Plan if approved...

This Tree Maintenance Plan, when approved, will be valid for 5 years. **(Affirmative finding as conditioned)**

3. In order to continue tree removal...

For ongoing tree removal on the subject lands beyond the initial approval, the Tree Maintenance Plan must be updated or re-written and approved by the DRB at 5 year intervals. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. This tree maintenance plan is valid for a period of 5-years from the date of approval.